IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.32917 of 2008

1. SHIV SHANKAR RAM,
Son of Late Basudeo Ram, resident of
Mohalla Paswan Tola, Church Road, Ward no.45,
P.S. Muzaffarpur Town, District Muzaffarpur
2. GANESH RAM,
Son of Late Basudeo Ram, resident of
Mohalla Paswan Tola, Church Road, Ward No.45,
P.S. Muzaffarpur Town, District Muzaffarpur
----------Petitioners

Versus

THE STATE OF BIHAR ----------Opp. Party

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2. 15.10.2008 Heard the learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in connection with Muzaffarpur Town P.S. Case No.376/2007 for the alleged offences registered under section 7 of the Essential Commodities Act.

It is submitted on behalf of the petitioners that the petitioners are the Dealers of the Public Distribution System. The kerosene oil, which was seized from the business room, was lifted by the petitioners and the same was kept for distribution. However, for want of verification by the Marketing Officer, it was not distributed and the same was seized. As regards the seizure of the rice, it is submitted that the rice in question did not belong to the control. It was

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not lifted from the control and that was the private rice and the business was run by the son of petitioner no.1. However, on account of seizure of such rice, petitioner no.1 had filed a criminal writ petition for release of the rice and the same was directed to be released by this Court as per the order dated 5.5.2008, as contained in Annexure 6. It is submitted that petitioner no.1 is the Dealer of Public Distribution System right from 1985 and no complaint has been made ever against him. So far petitioner no.2 is concerned, it is submitted that he is the brother of petitioner no.1 and is also a Dealer of the Public Distribution System since 1991 and nothing was seized from his premises, even though he has been made accused.

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Considering the facts and circumstances noticed above, it is directed that petitioners no.1 and 2 above named, in the event of their arrest or surrender in connection with Muzaffarpur Town P.S. Case No.376/2007 (G.R. No.2856/07), within a period of four weeks from today, be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like

amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur, in connection with the aforesaid case, on the conditions mentioned in sub-section (2) of section 438 of the Code of Criminal Procedure.

PNM **(Shailesh Kumar Sinha, J.)**

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